

From: [Burkholder Kurt](#)
To: [Lori Cora/R10/USEPA/US@EPA](#)
Cc: [ANDERSON Jim M](#)
Subject: Further Question on ARARs Clarification
Date: 04/21/2010 04:29 PM

Lori, DEQ agrees with Joan's suggestion that we wait and see how the FS develops and whether these issues need to be discussed further then.

Just among us, here are thoughts from Jim. But again, we don't think it'd be productive to share these with the LWG at this time.

-----Original Message-----

From: ANDERSON Jim M
Sent: Wednesday, April 21, 2010 4:16 PM
To: BURKHOLDER Kurt
Subject: RE: Further Question on ARARs Clarification

1) DEQ's Bioaccumulation Guidance- Joan's right, & in her 4/9 e-mail she corrects the misunderstanding regarding the Food Web Model (FWM) & the development of site-specific PRGs. However, the fact remains that..., while EPA indicated the LWG's 7/09 Draft Bioaccumulation Modeling Report appears sound & was accepted for developing PRGs..., EPA hasn't approved the LWG's FWM. The LWG used the process described in the Bioaccumulation Modeling Report to develop a number of PRGs (mainly sediment PRGs associated with fish consumption..., PRGs for bioaccumulative chemicals like PCBs, dioxin/furans, pesticides).

Joan says the LWG understands "*that the screening values in the Bioaccumulation Guidance may be carried as TBC until EPA either formally approves the Bioaccumulation Modeling Report or, if EPA was not planning to take that to a formal approval, until it sees how the results of that analysis are applied in the Feasibility Study*". That's where DEQ was trying to take our argument for including DEQ's Bioaccumulation Guidance as a TBC..., & Joan's proposal is fine with me.

2) Oregon's Acceptable Risk Level & Hot Spot Rules- Joan develops some reasonable questions regarding whether DEQ's risk assessment process is essentially equivalent to EPA's process. However, I don't think it would be very productive to continue this discussion at this time. Although some differences exist between EPA's & DEQ's risk assessment processes, they are based on similar

rules & guidance..., & are overall they are essentially equivalent. I agree with Joan's suggestion from her 3/9 e-mail which I paraphrase as..., this concern may not be insurmountable & that the EPA & LWG technical teams continue to discuss this 2nd questions & attempt to resolve..., or at least better understand & frame the issues at a technical level.

-----Original Message-----

From: Cora.Lori@epamail.epa.gov
[<mailto:Cora.Lori@epamail.epa.gov>]

Sent: Tuesday, April 20, 2010 1:04 PM

To: Humphrey.Chip@epamail.epa.gov;
Blischke.Eric@epamail.epa.gov;
Sheldrake.Sean@epamail.epa.gov;
Koch.Kristine@epamail.epa.gov; ANDERSON Jim M; Burkholder Kurt

Subject: Fw: Further Question on ARARs Clarification

See email from Joan. Please let me know if you think it worthwhile to

keep this dialogue going or if as Joan seems to recommend, we wait to

see how the FS plays out and what ARARs we determine are appropriate to

the various alternatives.

I can't say I fully understand the parsing of DEQ's risk level/hot spot

regs that the LWG is wanting to do. I know that EPA has identified

these regs. as ARARs for North Ridge Estates and probably other Oregon

cleanups while doing the risk assessments as EPA guidance directs them

to done.

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